

REMARKS

This amendment responds to the office action dated April 25, 2007.


The Examiner objected to claims 1-10 due to the term "said light." The Examiner argues that this term is unclear given that the claim refers to light emitted from an optical probe or light emitted by a device-under test. Claim 1 has been amended to eliminate the reference to "said light." Therefore, the applicant respectfully requests that the Examiner's rejection be withdrawn.

The Examiner rejected claims 1-9 under 35 U.S.C. § 102(e) as being anticipated by Low, U.S. Patent No. 6,515,49. The applicant respectfully believes that this rejection is improper, as claim 1 recites the limitation of an optical probe to . . . to detect light *emitted* by said device under test."(emphasis added). The word "emit" is defined by Webster's Third New International Dictionary as to "discharge" or "release" something. The optical probe of Low only detects light emitted *by the optical probe* and reflected back to it by the lower surface of the device under test (DUT). That DUT is not disclosed to emit any light, and even if it were to emit light the optical probe of Low is not disclosed to be able to detect it. To support an anticipation rejection, the Examiner must show that each claim limitation is disclosed by a single reference. Since Low fails to disclose an optical probe that *both* emits light to impinge on the DUT and detect light *emitted from* the DUT, the Examiner's rejection is improper.

The applicant has further amended claim 1 to recite "an optical probe to emit light for impingement on said device under test and, alternatively, to detect light emitted by said device under test toward said first platen." Low fails to disclose this limitation, as the optical probe 50 of Low is positioned below the DUT 64, opposite the side facing the first platen 86. Were the DUT 64 to emit light towards the first platen, the optical probe 50 would not be in a position to detect that light.

For each of these reasons, claim 1 and it's dependent claims 2-9 each patentably distinguish over Low. Therefore, the applicant respectfully requests reconsideration and allowance of claims 1-9.

Respectfully submitted,



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